

REMARKS

The foregoing amendment amends Claims 1, 3-6, 9-13, and 20, cancels Claims 2 and 14, and adds Claims 21-25. Support for the amendments to the claims and the new claims is found in the specification. *See e.g.*, pages 7 and 14–15.

Allen Does Not Describe the Creation of New Content

The Examiner rejected Claims 1-19 under 35 U.S.C. § 102(b) alleging that the claims are anticipated by U.S.P.N. 5,892,535 to Allen (“Allen”) and rejected Claim 20 under 35 U.S.C. § 103(a) alleging that the claims are unpatentable over Allen in view of U.S. Publication 2004/ 0205339 to Medin (“Medlin”).

The Examiner stated that the claim language related to transforming and combining source content to create new content was not considered since the phrase “adapted to” was included in Claims 1-19. *See* Office Action dated July 17, 2007, page 6. Even though Claim 1 included the phrase “adapted to”, it is submitted that was error for the Examiner to ignore the claim language and the arguments related to the claim language, since the inclusion of the phrase is not dispositive and the Examiner did not address the facts of this particular case. Moreover, Claim 12 does not recite the phrase “adapted to,” and thus, the Examiner should have considered all of the elements of Claim 12. However, in order to move prosecution of this application forward, the foregoing amendment deletes the phrase “adapted to” from the claims.

The sections of Allen cited by the Examiner as describing the creation of new content describe switching between a national network feed and a local advertisement or overlaying local information on a national network feed (*e.g.*, overlaying movie times at a local theater on a movie trailer). The system passes through either the national feed or a local feed. Even when creating a composite advertisement, the national feed serves as the base image and local information is simply overlaid on the national feed.

In contrast, Claim 1 recites graphics processing circuitry which produces new content by transforming and combining content from two different sources. The content is new. It is not simply a pass through of received or stored content. Instead, components of the two

input signals are transformed and combined to form the new content. Allen does not describe the new content recited by Claim 1 because Allen does not describe the transformation of content from different sources.

Allen Does Not Describe a Control Program that Directs the Production of New Content

The foregoing amendment to Claim 1 clarifies that a control program received from the host directs the production of the new content. Claim 3 further defines that the control program is a locally stored microprogram and Claim 24 further defines that the control program is received asynchronously from the digital source content signal.

The Examiner previously rejected Claim 1 by alleging that Allen describes control functionality and control signals. The cited sections of Allen describe switching between national and local advertisements based on cue tones (Column 16, lines 45-Column 17, line 50), the conversion and synchronization of video (Column 24, line 3- Column 25, line 1), and the switching and synchronization of video using cue tones (Column 26, line 23 – Column 28, line 1). Allen describes that “the cue tone signal delivered as part of the national network feed signal” is used to control the insertion of a local advertisement or the compositing of local information on a national advertisement. Column 17, lines 45-46. Figure 3 and the accompanying text illustrate how a cue tone signal is used to switch between a national network feed and a local feed to insert an advertisement. Figure 4 and accompanying text illustrate how a cue tone signal is used to overlay locally stored video, graphical and/or textual data on the national feed to create a composite advertisement.

Allen does not describe a control program received from the host because Allen only describes cue tone signals which are received as part of the national feed signal. A cue tone signal is not a control program, as recited by Claim 1, or a locally stored microprogram, as recited by Claim 3. Since a cue tone signal is part of and synchronous with the national network feed signal, a cue tone signal is not received from the host asynchronously from the digital source content signal, as recited by Claim 24.

Claims 4-13, 15-23 and 25

Independent Claims 12 and 20 also recite a control program received from the host for creating the new content where the new content is formed by transforming and combining components of the first content signal and the second content signal and are patentable for at least the same reasons as Claim 1. Claims 4-11, 23 and 24 depend from Claim 1, Claims 13, 15-19, and 25 depend from Claim 12, and Claims 21-22 depend from Claim 20. The dependent claims are patentable for at least the same reasons as the independent claims.

Claims 14 and 20 also recite that the control program is stored locally and are patentable for at least the same reasons as Claim 3. Claims 22 and 25 also recite that the control program is received asynchronously from the first content signal and are patentable for at least the same reasons as Claim 24.

CONCLUSION

The foregoing is submitted as a complete response to the Office Action identified above. This application should now be in condition for allowance, and the Applicants solicit a notice to that effect. If there are any issues that can be addressed via telephone, the Examiner is asked to contact the undersigned at 404.685.6799.

Respectfully submitted,

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